

AMENDED IN ASSEMBLY MAY 6, 2004
AMENDED IN ASSEMBLY MARCH 31, 2004
AMENDED IN ASSEMBLY JUNE 16, 2003
AMENDED IN SENATE MARCH 17, 2003

SENATE BILL

No. 37

Introduced by ~~Senator Dunn~~ Senators *Dunn and Escutia*
(Coauthor: *Senator Romero*)
(Coauthor: Assembly Member Montanez)

December 19, 2002

An act to add Section 354.9 to the Code of Civil Procedure, relating to civil actions, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 37, as amended, Dunn. Victims of wrongful or coerced repatriation.

Existing law authorizes various persons to bring civil actions for damages under specified circumstances.

This bill would authorize a victim of unconstitutional, wrongful, or coerced repatriation, defined as any United States citizen or legal resident of Mexican descent who was coerced, forced, or falsely induced to emigrate from California during the period from 1929 to 1944, inclusive, or the victim's heir or beneficiary, to bring a legal action to recover damages in any court of competent jurisdiction in this state. This provision would apply if the victim was coerced, forced, or falsely induced to emigrate by any city, county, or state governmental authority, or anyone acting under color of that authority, including, but

not limited to, any private individual or business entity. The provision would also apply only if that person has a claim arising out of that unconstitutional, wrongful, or coerced repatriation, as specified. The bill would also provide that any action brought pursuant to this provision may not be dismissed for failure to comply with the applicable statute of limitations or to exhaust any applicable administrative remedies or governmental tort claims procedures, if the action is commenced on or before December 31, 2006.

This bill would specify that its provisions are severable.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~—²/₃. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 354.9 is added to the Code of Civil
2 Procedure, to read:

3 354.9. (a) The following definitions govern the construction
4 of this section:

5 (1) “Victim of unconstitutional, wrongful, or coerced
6 repatriation” means any United States citizen or legal resident of
7 Mexican descent who was coerced, forced, or falsely induced to
8 emigrate from California during the period from 1929 to 1944,
9 inclusive, by any city, county, or state governmental authority, or
10 anyone acting under color of that authority, including, but not
11 limited to, any private individual or business entity that conspired
12 with any city, county, or state governmental authority, or anyone
13 acting under color of that authority, to violate the California
14 constitutional or property rights of that person.

15 (2) “Damages” means any and all damages for any harm, loss,
16 or detriment sustained by any victim of unconstitutional,
17 wrongful, or coerced repatriation by reason of the coerced, forced,
18 or falsely induced emigration from California by any city, county,
19 or state governmental authority, or anyone acting under color of
20 that authority, including, but not limited to, any private individual
21 or business entity that conspired with any city, county, or state
22 governmental authority, or anyone acting under color of that
23 authority, to violate the California constitutional or property rights



1 of any victim of unconstitutional, wrongful, or coerced
2 repatriation.

3 (b) Notwithstanding any other provision of law, any victim of
4 unconstitutional, wrongful, or coerced repatriation, or the heir or
5 beneficiary of a victim of unconstitutional, wrongful, or coerced
6 repatriation, who has a claim arising out of the victim's coerced,
7 forced, or falsely induced emigration from California by any city,
8 county, or state governmental authority, or anyone acting under
9 color of that authority, including, but not limited to, any private
10 individual or business entity that conspired with any city, county,
11 or state governmental authority, or anyone acting under color of
12 that authority, to violate the California constitutional or property
13 rights of any victim of unconstitutional, wrongful, or coerced
14 repatriation, may bring a legal action to recover any damages in
15 any court of competent jurisdiction in this state, which court shall
16 be deemed the proper forum for that action until its completion or
17 resolution.

18 (c) No action brought under this section may be dismissed for
19 failure to (1) comply with the applicable statute of limitations, or
20 (2) exhaust any applicable administrative remedies or
21 governmental tort claim procedures otherwise provided by any
22 statute, if the action is commenced in any California court of
23 competent jurisdiction on or before December 31, 2006.

24 SEC. 2. The provisions of this act are severable. If any
25 provision of this act or its application is held invalid, that invalidity
26 shall not affect other provisions or applications that can be given
27 effect without the invalid provision or application.

28 SEC. 3. *This act is an urgency statute necessary for the*
29 *immediate preservation of the public peace, health, or safety*
30 *within the meaning of Article IV of the Constitution and shall go*
31 *into immediate effect. The facts constituting the necessity are:*

32 *It is necessary that this act take effect immediately in the*
33 *interests of justice.*

